
STATUTORY INSTRUMENTS

1981 No. 228

**Legal Aid, Advice and Assistance
(Northern Ireland) Order 1981**

[^{F1}PART II

**LEGAL ADVICE AND ASSISTANCE, AND LEGAL AID OTHER
THAN FREE LEGAL AID AVAILABLE UNDER PART III**

Legal aid

[^{F1}Contributions from persons receiving legal aid and charge on property recovered

12.—(1) Where a person receives legal aid in connection with any proceedings, his contribution to the legal aid fund in respect of those proceedings may include—

- (a) if his disposable income exceeds[^{F2} £3,355] a year, a contribution in respect of income not greater than[^{F3} one third of the excess] or such other proportion of the excess or such amount as may be prescribed; and
- (b) if his disposable capital exceeds[^{F4} £3,000], a contribution in respect of capital not greater than the excess or such lesser amount as may be prescribed.

(2) Regulations may provide that there shall be substituted—

- (a) for the yearly sum specified in paragraph (1), such other yearly sum as may be prescribed;
- (b) for the capital sum so specified, such other capital sum as may be prescribed.

(3) A person may be required to make any contribution to the legal aid fund in one sum or by instalments.

(4) If the total contribution to the legal aid fund made by a person in respect of any proceedings is more than the net liability of that fund on his account, the excess shall be repaid to him.

(5) Except so far as regulations otherwise provide—

- (a) any sums remaining unpaid on account of a person's contribution to the legal aid fund in respect of any proceedings; and
- (b) if the total contribution is less than the net liability of the legal aid fund on his account, a sum equal to the deficiency;

shall be a first charge for the benefit of the legal aid fund on any property (wherever situate) which is recovered or preserved for him in the proceedings.

(6) The reference in paragraph (5) to property recovered or preserved for any person shall include—

- (a) his rights under any compromise arrived at to avoid or bring an end to the proceedings; and
- (b) any sums recovered by virtue of an order for costs made in his favour in the proceedings (not being sums payable into the legal aid fund under Article 11).

Changes to legislation: *Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, Section 12 is up to date with all changes known to be in force on or before 20 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) The charge created by paragraph (5) on any damages or costs shall not prevent a court allowing them to be set off against any other damages or costs.

(8) In this Article references to the net liability of the legal aid fund on any person's account in relation to any proceedings are references to the aggregate amount of—

- (a) the sums paid or payable out of that fund on his account in respect of those proceedings to any solicitor or counsel; and
- (b) if he has received any advice or assistance in connection with those proceedings or any matter to which those proceedings relate, any sums paid or payable out of that fund in respect of that advice or assistance to any solicitor,

being sums not recouped to that fund by sums which are recovered by virtue of an order or agreement for costs made in his favour with respect to those proceedings, or by virtue of any right of his to be indemnified against expenses incurred by him in connection with those proceedings.]

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| <p>F1 Pt. 2 (to the extent that it remains in operation) repealed (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), arts. 1(2), 49(5), Sch. 5 (with transitional provisions and savings in art. 48, Sch. 3); S.R. 2015/194, art. 2, Sch. (with transitional provisions and savings in art. 3)</p> <p>F2 Words in art. 12(1)(a) substituted (6.4.2009) by Legal Aid (Financial Conditions) Regulations (Northern Ireland) 2009 (S.R. 2009/104), reg. 4</p> <p>F3 SR 1993/121</p> <p>F4 SR 1988/255</p> |
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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order power to amend conferred by [2011 c. 24 \(N.I.\) Sch. 5 para. 5\(a\)](#)
- Act rev.in pt. by [1996 c. 25 s.79Sch.4 paras.19\(2\)36](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 28(7)(c) inserted by [2011 c. 24 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 29(2A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 3](#)
- art. 29(2A) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 3](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(c\)](#)